

Serial No.: 10/068,710

Examiner: Alpus Hsu

REMARKS/ARGUMENTS

Claims 9-16 and 18-23 remain in this application, with claims 9 and 15 being independent claims. Claims 1-8 and 17 have been canceled. Claims 9, 15, 18, and 19 have been amended.

In the outstanding office actions, claims 1-8 were rejected under 35 USC 112 first paragraph. Applicants have canceled claims 1-8 herein, and therefore respectfully request that this rejection be withdrawn.

Regarding independent claims 9 and 15, these claims were rejected under 35 USC 102(e) as being anticipated by Luijten et al. (US Patent Application No. 2001/0021174 A1). In support of these rejections, among other things, the Examiner sets forth that Luijten et al. discloses a "disposition engine (60) for receiving classification information and determining whether the inbound packet is to be admitted based on a utilization level of the buffer determined from the classification information". Applicants assert that claims 9 and 15 as now presented overcome this rejection. In particular the disposition engine (60) of Luijten will issue grant information for the data packet based solely on one criteria, that being congestion. "The grant information GR is here issued by a congestion controller 60, one for each output port 30. As soon as a status that is interpreted by the congestion controller 60 as overflow or congestion, is reached, the congestion controller 60 toggles from the positive grant information GR to the negative grant information GR." (Luijten, column 3, paragraph 25). The present invention utilizes at least two criteria, the classification information and the congestion information, in determining the passing of the data packet. In addition, Applicants respectfully assert that because the congestion controller 60 only operates based on the congestion of the ports, there is no suggestion for any modifications thereto to operate on multiple criteria. Therefore, Applicants respectfully assert that neither Luijten nor any of the cited references, whether taken alone or in any reasonable combination, disclose, teach, suggest or render obvious the present invention.

Regarding claims 8-14, as these claims depend either directly or indirectly from independent claim 9, and therefore incorporate all the limitations therein, for the reasons set forth with respect to claim 9, Applicants assert that these claims are also patentable over the cited references.

Regarding claims 16 and 18-23, as these claims depend either directly or indirectly from independent claim 15, and therefore incorporate all the limitations therein, for the reasons set forth with respect to claim 15, Applicants assert that these claims are also patentable over the cited references.

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It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner's rejection of the claims as set forth in the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

ALCATEL


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